

## **MINUTES**

**CITY OF WARR ACRES  
REGULAR CITY COUNCIL MEETING  
TUESDAY  
DECEMBER 7, 2004  
7:00 P.M.**

1. The meeting was called to order at 7:00 p.m. Declaration of a quorum present was given. The Flag salute was lead by Acting Chief Carter and Invocation was given by Rev. Tener from Putnam City Methodist Church.

## **ROLL CALL**

### **PRESENT**

Mayor Marietta Tardibono  
Vice-Mayor Tom Smith  
Councilwoman Leslie Owens entered at 7:08 p.m.  
Councilman Mike Gossman  
Councilman Bob Wehba  
Councilman Justin Frisbie  
Councilman Barry Curl

### **ABSENT**

Councilman Jimmy Alexander  
Councilwoman Nancy Olson

## **DEPARTMENT HEADS AND CONSULTANTS PRESENT**

Pamela McDowell-Ramirez, City Clerk  
Roger Patty, Police Chief  
Rob Carter, Acting Fire Chief  
Mike Turman, City Inspector  
Bob Jernigan, City Attorney  
Wiley Rice, Jr., City Planner

2. Presentation of Twenty-five year service pin to Acting Chief Rob Carter.

The Mayor presented Acting Chief Carter with is Twenty-five year service pin.

3. Questions and Comments from Warr Acres Residents.

There were several citizens present to speak about the Y property. Edra Hawkins stated that she had spoken with the neighbors from 58<sup>th</sup> to 59<sup>th</sup> and had obtained signatures from all but two houses, who were not home, on a petition to keep out a possible development of duplexes on the property. She had 14 signatures. Faith Arbster stated that she too had taken a petition around and with the help of others obtained 81 signatures. She stated that they would like to see the city purchase the property and keep it as a place for kids and not allow developers to build

houses or duplexes. Antenet Woubishet stated that he had moved into the area and was a member of the Y and would like for it to be reopened if the city could. Sid Helms said that he had helped on the petition and would like the facility to be kept as a community facility if at all possible. Loy Bartor said that he lives by the Y and it was a great calling card for the area. He stated that he has seen what happens to property values when duplexes are built. He felt that the Y could be used to bring revenue to the city and would be willing to help in any way to promote it and help to keep it and head it in the right direction. He asked the Mayor and Council to please contact him. Councilman Curl asked that the petitions be read for the record and be made a part of the minutes.

The petitions are attached and made a part of the minutes.

Tommy Pike addressed the council on other items. He stated that Thanks should go out to Big Bob's Carpet for using the 6 ½% sales tax in their commercials. He also thanked the Kiwanis for the beautiful decorations that are displayed throughout the city. He asked if the up coming Kiwanis pancake breakfast could be placed on the television display and stated that the flag service could be taken off. He also stated that something needed to be done concerning lawn care services in the city. He said there are several around him and they dump there bags for our sanitation to pick up and the clippings are left in the trucks and it smells and they are on every corner. He said he thinks they should have to pay yearly fees of \$2000 to \$3000. He also asked the Mayor and Council how they thought the city could support the Y when then Y could not support itself.

The Mayor read letters she had received. She read one from a lady thanking Veronica Boggess for all her help and stating what a good job she does. Another thanked the Sewer Department for their great job. And another thanked Mark Nelson and Mark O'Connor from the Sewer Department for the great jobs they do. The Mayor also read a letter from the Warr Acres Library thanking Chief Carter for his recent presentation and the booklets and other goodies he handed out.

4. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #5.
  - A. Approval of Minutes – Regular City Council Meeting of November 2, 2004 and November 16, 2004. \*\*\*\*
  - B. Approval of Expenditures – General Fund \$ 51816.29
  - C. Approval of Proposed Expenditures for December 2004. \*\*\*\*
  - D. Sales Tax History Report. \*\*\*\*
  - E. Receive Planning Commission minutes for November 9, 2004. (Not yet approved by the Planning Commission) \*\*\*\*
  - F. Approval to waive the city's right to appeal BOA's Case #04-05 on property located at 4709 N Libby, presently zoned Residential. Legally

described as Lot 9, of the Lawson Addition. John Tillman, applicant.  
(Variance approved requires Revocable Permit). \*\*\*\*

Councilman Gossman asked that Item A be pulled, and Councilman Frisbie asked for Item D to be pulled.

Motion by Curl, second by Owens to approve the remaining items on the Consent docket. Poll vote: Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; and Tardibono, yea.

**Motion Passed Unanimously.**

5. Discussion and possible action on items removed from the consent docket.

Councilman Gossman and Councilman Wehba stated that the date on the minutes for the November 4<sup>th</sup> should have been November 2<sup>nd</sup> and needed to be changed.

Motion by Curl, second by Frisbie to approve the minutes of the November 2<sup>nd</sup> meeting with the change in the date. Poll vote: Owens, yea; Gossman, abstain; Wehba, yea; Frisbie, yea; Curl, yea; Smith, abstain; and Tardibono, yea.

**Motion Passed.**

Motion by Wehba, second by Smith to approve the minutes of the November 16<sup>th</sup> meeting. Poll vote: Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; and Tardibono, yea.

**Motion Passed Unanimously.**

Councilman Frisbie stated he asked for D to be removed so that he could point out to the council that the taxes were down around 10%. Councilman Wehba stated that he used the 2000 figures as a base and according to his figures the city is down \$2,225,935.

Motion by Frisbie, second by Owens to approve item D. Poll vote: Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; and Tardibono, yea.

**Motion Passed Unanimously.**

6. Receive reports from Staff: Police, Fire, City Clerk, City Inspector, Street, Sanitation, Sewer, City Engineer, City Planner.

Chief Carter-presented Jason Hartpence with his badge he has completed his requirements and passed his probationary period. Chief Carter also stated that the

garage is now equipped with a generator but switches and plugs will still need to be installed at the lift stations.

Chief Patty-told that one dispatcher started work today and another will be starting soon. He also told them that the Suburban will be used by the Fire department for training and then will be hauled away for scrap.

The Mayor thanked the Street department for getting all the decorations out around the city.

Councilman Wehba stated the Storm Drainage Committee needs to meet to discuss new regulations the committee is made up of Councilman Wehba, Councilman Alexander, Bob Jernigan, Scott Barrett, Chief Carter and Mike Turman.

The question was asked as to what the zoning on the Y property was. Mike Turman stated that by default the zoning is R-1. Councilman Curl stated that for as long as he can remember it has been R-1. Wiley Rice stated that every piece of property is zoned even if it is an open space.

7. Discussion and possible action on having the staff only attend the first meeting of the month unless requested to attend the second meeting. \*Gossman\*

Councilman Gossman stated that it would save on overtime and many times they are in attendance but they have nothing to say and he is sure they would like to not be required to sit through every meeting.

Motion by Gossman, second by Owens to have the Supervisors only attend the 1<sup>st</sup> Council meeting of the month unless requested to be in attendance. Poll vote: Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; and Tardibono, yea.

**Motion Passed Unanimously.**

8. Discussion and possible action on a Revocable Permit for a carport located at 4709 N Libby. John Tillman, applicant. \*\*\*\*

Inspector Turman stated that the driveway is already on the easement and there is another easement next to the drive. Councilman Wehba stated that the mistake was made years ago.

Motion by Curl, second by Wehba to approve the Revocable Permit. Poll vote: Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; and Tardibono, yea.

**Motion Passed Unanimously.**

9. Discussion and possible action on a Resolution Notifying the Public of Publication of Supplements of April, 2002, September 2002, December 2002, March 2003, April 2004 and August 2004, and further directing the filing of such supplements with the County Clerk and the Oklahoma County Library.

Bob Jernigan stated that this Resolution was to bring the city into compliance and have the supplements filed with the County Clerk and Oklahoma County Law Library. Councilman Wehba asked what the number would be on the Resolution. Clerk Ramirez stated the number would be 404.

Motion by Owens, second by Frisbie to approve Resolution 404. Poll vote: Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; and Tardibono, yea.

**Motion Passed Unanimously.**

10. Discussion and possible action on a Resolution Calling and Authorizing the County Election Board to hold a Primary Election and if needed General Election for 2005 of the office of Mayor and one Councilmember from each Ward.

Bob Jernigan stated that the Charter provides for certain times for election dates and filing. The filing is to be no more than one month and no less than two weeks before the election. The Mayor stated that she thought the filing should be February 15-18, 2005. She also said that during the last election residents asked if the city could change the election date because it falls during spring break. She said she knew this was not something that could be done right now but the council did need to look into. Councilwoman Owens did not think the time for filing should be so short. The Mayor stated that filing had always been only a few days. Councilwoman Owens stated that she felt persons wanting to file for office should have more time to do so.

Motion by Wehba, second by Frisbie to amend the dates for filing to be February 15-18, 2005. Poll vote: Owens, nay; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; and Tardibono, yea.

**Motion Passed.**

Clerk Ramirez stated that this Resolution would be #405.

Motion by Wehba, second by Smith to approve Resolution 405 setting the dates for the 2005 election and filing period as amended. Poll vote: Owens, nay; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; and Tardibono, yea.

**Motion Passed.**

11. Discussion and possible action on a supplemental appropriation to the Police Dept. in the amount of \$11,500.00 for purchase of a used 2001 Ford Police Interceptor to replace the unit that was totaled in an accident on November 24, 2004. Part of the monies to be reimbursed by insurance. Estimated insurance \$5000.00. Unit to be purchased from Missouri Highway Patrol. Authorizing personnel to travel to Missouri to pick up the unit.

Chief Patty stated that the Insurance Company had already settled and given the city a check for \$5636.72.

Motion by Owens, second by Gossman to approve the supplemental appropriation for the purchase of the used police unit. Poll vote: Owens, yea; Gossman, yea; Wehba, nay; Frisbie, yea; Curl, yea; Smith, yea; and Tardibono, yea.

**Motion Passed.**

12. Public Hearing, discussion and possible action on raising the Garbage and Sewer rates and directing the attorney to draw up an Ordinance reflecting the proposed changes.

Councilman Wehba stated that the item needed to be amended because there was no discussion on a Sewer increase. Bob Jernigan said that it was not necessary the proposed Ordinance only addressed Residential rates. Councilman Frisbie stated that he would like to hear what Councilman Gossman had put together. Councilman Wehba stated that the truck that was to be purchased is for Commercial and Councilman Gossman stated that was true. Councilman Wehba said that it was not right to raise the Residential rates to pay for a Commercial truck. Councilman Gossman stated that in 2000 the Commercial rates were raised and then the city purchased two Residential trucks. Councilman Gossman said that the city charges 5-10% more than what the private haulers do.

Councilwoman Owens stated that the city needs to make sure they are collecting payment for the services provided and the rates should be set in that manner. Councilman Wehba said that the city needed to be really careful about raising sewer rates considering they are regulated by the trust to operate the sewer plant. He stated that when the trust needs more money they definitely let the city know. Councilman Curl asked if this was a public hearing how the notice process worked. He was told that it did not require publication or letters but the notice had been posted on the Web and in the Newsletter.

Motion by Curl, second by Smith to continue the Public Hearing to the 2<sup>nd</sup> meeting in January. Poll vote: Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; and Tardibono, yea.

**Motion Passed Unanimously.**

13. Question or comments from Councilmembers.

Councilwoman Owens-would like to see about moving the January 4<sup>th</sup> Council meeting to a different date since that is the night of the Orange Bowl. The Mayor said she thought that was a good idea and was also going to ask to have the meeting moved. There was discussion about when everyone would be available and January 10<sup>th</sup> was chosen. Councilwoman Owens also reminded the public that on Thursday night December 9<sup>th</sup> at the Community Center there would be an information meeting concerning the MacArthur Project.

Councilman Wehba-the Storm Drainage Committee needs to reconvene now that the state has decided what the cities will need to do.

Mayor Tardibono-thanked everyone for attending the council meeting.

Councilman Frisbie-told Councilman Gossman that he would be willing to help him put the information together for the next meeting.

Councilman Smith-told that there would be a tax meeting on Friday afternoon. He also said that there are letters missing on the sign at the Community Center. The Mayor told him that the letters had already been ordered.

14. Any Old or New Business (“New Business” is defined by the Open Meeting Act as any matter not known about or which could not have been reasonably foreseen prior to the time of posting of the agenda of a (“surprise nature”)).

Bob Jernigan stated that since the BCS did not make the bowl decisions before the agenda was sent out there was no way to know that the Orange Bowl would be the same night at the council meeting and he would like to have a formal motion to move the meeting under this item.

Motion by Wehba, second by Curl to move the January 4<sup>th</sup> meeting to Monday, January 10<sup>th</sup> at 7:00 p.m. Poll vote: Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; and Tardibono, yea.

**Motion Passed Unanimously.**

15. Discussion and possible action concerning overtime claims under 25 O.S. Supp. 307 (B) (4) Confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest.

16. Discussion and possible action on the purchase or appraisal of real property and possibly entering into Executive Session as allowed under 25 O.S. Supp 307 B 3.

Bob Jernigan recommended that the council enter into executive session on items 15 and 16. Margaret Love was asked to stay for item 15 and Wiley Rice was asked to stay for item 16.

Motion by Frisbie, second by Wehba to enter into executive session. Poll vote: Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; and Tardibono, yea.

**Motion Passed Unanimously.**

The council entered into executive session at 8:20 p.m. after a 10 minutes recess.

The council returned to open session at 9:30 p.m. Directing the Attorney to proceed.

17. Adjournment.

Motion by Frisbie, second by Smith to adjourn. The meeting was adjourned at 9:30 p.m. by acclamation.

Respectfully submitted,

Pamela McDowell-Ramirez  
City Clerk



## **MINUTES**

**CITY OF WARR ACRES  
PUBLIC WORKS AUTHORITY MEETING  
TUESDAY  
DECEMBER 7, 2004  
7:00 p.m.**

(Following completion of regularly scheduled City Council meeting)

1. The meeting was called to order at 9:31 p.m. Declaration of a quorum present was given.

## **ROLL CALL**

### **PRESENT**

Chairwoman Marietta Tardibono  
Vice-Chair Tom Smith  
Trustee Justin Frisbie  
Trustee Barry Curl  
Trustee Mike Gossman  
Trustee Bob Wehba

### **ABSENT**

Trustee Jimmy Alexander  
Trustee Nancy Olson

2. Approve the minutes of the Regular Warr Acres Public Works Authority Meeting of November 4, 2004. \*\*\*\*

Motion by Owens, second by Frisbie to approve the minutes. Poll vote: Owens, yea; Gossman, abstain; Wehba, yea; Frisbie, yea; Curl, nay; Smith, abstain; and Tardibono, yea.

### **Motion Passed.**

3. Approve payment of claim in the amount of \$ 60,868.03 to the Bethany-Warr Acres Public Works Authority for the Warr Acres portion of the Joint Trust and Bond Retirement for the month of November, 2004. \*\*\*\*

Motion by Owens, second by Frisbie to approve the payment of the claim. Poll vote: Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; and Tardibono, yea.

### **Motion Passed Unanimously.**

4. Adjournment.

The meeting was adjourned at 9:34 p.m. by acclamation.

Respectfully submitted,

Pamela McDowell-Ramirez  
City Clerk